IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CRIMINAL JURISDICTION

CRIMINAL APPLICATION NO.1173 OF 2005

The State of Maharashtra)..Appellant

Versus

Mohmad Isak Munnawar Ansari and others)..Respondents

Mrs.V.R.Bhonsale, A.P.P., for the Appellant.

CORAM: V.G. PALSHIKAR AND SMT.NISHITA MHATRE, JJ.

DATED: 16TH MARCH 2005

P.C.:

. By this Application, leave to Appeal against the judgment dated 14th January 2003 passed by the Second Additional Sessions Judge, Malegaon is impugned. By the impugned judgment, the learned Judge on proper marshalling the evidence on record and its appreciation, found that the dying declarations made by the victim were at variance and were not of such nature as they could be safely relied upon. According to the learned Judge, if this evidence of dying declaration is ignored, there is no other evidence on the basis of which conviction could be sustained. In effect, the dying declarations are uncorroborated. In view of the fact that there are contradictions in the two declarations, it cannot be said that the learned Judge acted illegally or his order was perverse when he acquits the accused persons of the charge framed against them. In such a state of affair,

we see no reason to interfere. Leave rejected.